

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

United States of America, :
 :
Plaintiff(s), :
 :
District Judge Newman
Magistrate Judge Ovington
vs. :
 :
RULE 26(f) REPORT OF PARTIES
\$124,220.00 in United States Currency, :
 :
Defendant(s). :

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on January 20, 2021,
and was attended by:

Deborah D. Grimes, counsel for plaintiff United States of America

Clyde Bennett, II, counsel for claimant Tedra Tucker.

2. The parties:

_____ have provided the pre-discovery disclosures required by Fed. R. Civ. P. 26(a)(1), including a medical package (if applicable).

_____ will exchange such disclosures by _____.

X are exempt from disclosure under Fed. R. Civ. P. 26(a)(1)(B).

3. The parties:

X unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

_____ do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c).

_____ unanimously give contingent consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c), for trial purposes only, in the event that the assigned District Judge is unavailable on the date set for trial (e.g., because of other trial settings, civil or criminal).

4. Recommended cut-off date for filing of motions directed to the pleadings:

March 19, 2021

5. Recommended cut-off date for filing any motion to amend the pleadings and/or to add additional parties: February 26, 2021

6. Recommended discovery plan:

a. Describe the subjects on which discovery is to be sought and the nature, extent and scope of discovery that each party needs to: (1) make a settlement evaluation, (2) prepare for case dispositive motions and (3) prepare for trial:

In general, discovery will be sought concerning the claims alleged in the

complaint and the claimant's defenses thereto. Plaintiff will seek discovery on

~~the source of the defendant, claimant's finances, forfeitability of the defendant~~

~~as drug proceeds, and the events relating to the seizure of the defendant.~~

b. What changes should be made, if any, in the limitations on discovery imposed under the Federal Rules of Civil Procedure or the local rules of this Court, including the limitations to 25 interrogatories/requests for admissions and the limitation of 10 depositions, each lasting no more than one day consisting of seven (7) hours?

None.

c. Additional recommended limitations on discovery:

None.

d. Recommended date for disclosure of lay witnesses.

May 27, 2021

e. Describe the areas in which expert testimony is expected and indicate whether each expert has been or will be specifically retained within the meaning of Fed. R.

Civ. P. 26(a)(2).

Plaintiff anticipates that it may retain an expert in the area of narcotics-detection

canines within the meaning of Fed. R. Civ. P. 26(a)(2).

f. Recommended date for making primary expert designations:

October 27, 2021

g. Recommended date for making rebuttal expert designations:

November 29, 2021

h. The parties have electronically stored information in the following formats:

PDFs

The case presents the following issues relating to disclosure or discovery of electronically stored information, including the form or forms in which it should be produced:

None at this time.

i. The case presents the following issues relating to claims of **privilege or of protection as trial preparation materials**:

~~Plaintiff may assert the law enforcement privilege which will require redactions~~
~~and a privilege log.~~

Have the parties agreed on a procedure to assert such claims **AFTER** production?

 X No

 Yes

 Yes, and the parties ask that the Court include their agreement in an order.

j. Recommended discovery cut-off date: September 27, 2021

6. Recommended dispositive motion date: October 27, 2021

7. Recommended date for status conference (if any): September 28, 2021

8. Suggestions as to type and timing of efforts at Alternative Dispute Resolution:

~~The parties recommend mediation before a magistrate judge in January 2022.~~

9. Recommended date for a final pretrial conference: April 13, 2022

10. Has a settlement demand been made? No A response? No

Date by which a settlement demand can be made: December 8, 2021

Date by which a response can be made: December 15, 2021

11. Other matters pertinent to scheduling or management of this litigation:

None.

Signatures:

Attorney for Plaintiff:

Attorney for Claimant:

/s/ Deborah D. Grimes

Ohio Bar # 0078698

Trial Attorney for United States of America

/s/ Clyde Bennett, II

Ohio Bar # 0059910

Trial Attorney for Tedra Tucker